

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORP.,)
)
)
Plaintiff,) C.A. No.: 05-27-SLR
v.)
) Jury Trial Demanded
DELL, INC.; GATEWAY, INC.;)
HEWLETT-PACKARD COMPANY;)
ACER INC.; ACER AMERICA CORPORATION;)
AOC INTERNATIONAL; TATUNG COMPANY;)
TATUNG COMPANY OF AMERICA, INC.;)
COMPAL ELECTRONICS, INC.;)
LITE-ON TECHNOLOGY CORPORATION;)
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;)
MAG TECHNOLOGY COMPANY, LTD.;)
MAG TECHNOLOGY USA, INC.;)
PROVIEW INTERNATIONAL HOLDINGS, LTD.;)
PROVIEW TECHNOLOGY, INC.; and)
PROVIEW ELECTRONICS COMPANY, LTD.,)
Defendants.)
)

VOLUNTARY DISMISSAL OF AOC INTERNATIONAL WITHOUT PREJUDICE

WHEREAS, defendant AOC International has not filed an appearance in this action and has not served plaintiff Guardian Industries Corp. with an Answer to the Complaint or to the Amended Complaint; and

WHEREAS plaintiff Guardian Industries Corp. requests that this Court dismiss AOC International from this action without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1) and subject to the terms of this Order,

NOW, THEREFORE, it is ordered as follows:

1. The claims by Guardian Industries Corp. against AOC International are hereby dismissed without prejudice with respect to AOC International.

2. Each party shall bear its own costs and attorneys fees attributable to the prosecution and defense of this action against AOC International.

Dated: August 17, 2006

By /s/ Richard K. Herrmann

Richard K. Herrmann #405
MORRIS JAMES HITCHENS & WILLIAMS
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801
(302) 888-6800
rherrmann@morrisjames.com

Bryan S. Hales
Craig D. Leavell
Meredith Zinanni
Eric Hayes
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
(312)861-2000

Counsel for Guardian Industries Corp.

SO ORDERED this _____ day of _____, 2006.

Judge Sue L. Robinson

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2006, I electronically filed the foregoing document, **VOLUNTARY DISMISSAL OF AOC INTERNATIONAL WITHOUT PREJUDICE**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.
 David E. Moore, Esq.
 Potter Anderson & Corroon
 Hercules Plaza, 6th Floor
 1313 N. Market Street
 Wilmington, DE 19801

William Marsden, Esq.
 Sean P. Hayes, Esq.
 Fish & Richardson
 919 N. Market Street, Suite 1100
 Wilmington, DE 19801

Robert W. Whetzel, Esq.
 Matthew W. King, Esq.
 Richards, Layton & Finger, P.A.
 One Rodney Square
 Wilmington, DE 19801

Additionally, I hereby certify that on the 17th day of August, 2006, the foregoing document was served via email on the following non-registered participants:

Daniel T. Shvodian, Esq.
 Teresa M. Corbin, Esq.
 Wallace Wu, Esq.
 Howrey LLP
 301 Ravenswood Avenue
 Menlo Park, CA 94025-3434
shvodiand@howrey.com
corbint@howrey.com
wwu@howrey.com

Roderick B. Williams, Esq.
 Avelyn M. Ross, Esq.
 Vinson & Elkins
 2801 Via Fortuna, Suite 100
 Austin, TX 78746-7568
rickwilliams@velaw.com
aross@velaw.com

York M. Faulkner, Esq.
 Finnegan Henderson Farabow Garrett & Dunner
 Two Freedom Square
 11955 Freedom Drive
 Reston, VA 20190-5675
york.faulkner@finnegan.com

E. Robert Yoches, Esq.
 Laura P. Masurovsky, Esq.
 Finnegan Henderson Farabow Garrett & Dunner
 901 New York Avenue, N.W.
 Washington, D.C. 20001
bob.yoches@finnegan.com
laura.masurovsky@finnegan.com

Michael Bettinger, Esq.
Preston Gates & Ellis LLP
55 Second Street, Suite 1700
San Francisco, CA 94105-3493
mikeb@prestongates.com

Jeffrey K. Sherwood, Esq.
Akin Gump Strauss Hauer & Feld
1333 New Hampshire Avenue, NW
Washington, DC 20036
jsherwood@akingump.com

Eric Wesenberg, Esq.
Kai Tseng, Esq.
Orrick Herrington & Sutcliffe
1000 Marsh Road
Menlo Park, CA 94025
ewesenberg@orrick.com
ktseg@orrick.com

Peter J. Wied, Esq.
Alschuler Grossman Stein & Kahan LLP
1620 26th Street, Fourth Floor, N Tower
Santa Monica, CA 90404-4060
pwied@agsk.com

Kevin R. Hamel, Esq.
Aaron Ettelman, Esq.
Akin Gump Strauss Hauer & Feld
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103
khamel@akingump.com
aettelman@akingump.com

Robert J. Gunther, Jr., Esq.
Kurt M. Rogers
Latham & Watkins
885 Third Avenue
New York, NY 10022
robert.gunther@lw.com
kurt.rogers@lw.com

/s/ Richard K. Herrmann
Richard K. Herrmann (I.D. No. 405)
Mary B. Matterer (I.D. No. 2696)
MORRIS, JAMES, HITCHENS & WILLIAMS
222 Delaware Avenue, 10th Floor
Wilmington, Delaware 19801
302.888.6800
rherrmann@morrisjames.com
mmatterer@morrisjames.com

Counsel for Plaintiff Guardian Industries Corp.